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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,688	04/24/2002	Michael David Geary	9267-16 (163794)	6238

7590

07/21/2004

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EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/031,688

Applicant(s)

GEARY, MICHAEL DAVID

Examiner

Anh Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01222002.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is response to Applicant's Preliminary Amendment filed on 01/22/2002.
2. Claims 1-28 are pending in this application.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in United Kingdom 0012701.9 on 05/24/2000. It is noted, however, that applicant has not filed a certified copy of the United Kingdom 0012701.9 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2004/0058300 of David Andrew D'Zmura (hereinafter D'Zmura) in view of US Patent No. 6,330,566 issued to Durham.

With respect to claim 1, D'Zmura teaches calculating a plurality of transit astrological conditions on the basis of input native and transit data (calculating the relationship of one's birth and his/her zodiac sign based on the calculation of celestial events between human and solar' system: Page 1, section 0011 and Page 2, section 0013; also see Page 13, sections 0191-0195);

identifying from an astrological database a plurality of numerical values representative of relationships between the calculated transit astrological conditions and an activity type (the coordinate position of astrological ephemeris is a plurality of numerical values listing by the degrees, such as 16°: Page 12, section 0175 and 0176, also Page 5, sections 0062-0065; Page 17, section 0246-0250);

calculating in dependence on the numerical values identified a numerical score representative of the effectiveness, with respect to the activity type, of a subject with the input native data (zodiac signs and positions is calculated via the degree to reflect one's birth listed in calendar dates of signs and sign changes: Page 4, section 0044, sections and Page 7, section 0088); and

outputting a representation of the numerical score calculated (the outputs of calculation are listed in figs 2-4 and Page 13, section 0180, sections 0193-0195 and Page 14, section 0203).

D'Zmura teaches a software program running on a computer or Internet server for the calculation of celestial or terrestrial event and human affair based on the planets and the stars by their positions and aspects from which the astrologer to use them to establish the zodiacal position per the query inputs of time, date and earthly location (Page 14, section 0197, Page 1, section 11 and Page 2, section 0013). The relationship of human's birthday or personal data and zodiacal position or zodiac signs based on the solar system are the relationship of native data and transit data, the position or location of the astrological features and birth signs and zodiac signs. D'Zmura does not clearly teach astrological database.

However, Durham teaches Horoscopes of astrological data set in the preferences (col. 12, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of D'Zmura with the teachings of Durham by incorporating the use of astrological data from set astrology database for the calculation of the zodiacal position influencing of the stars and planets on celestial event and human affairs. The motivation being to have allowed the use of astrological information by the user or querist or astrologer in order to forecast the future such as weather forecast, news or fortune-telling.

With respect to claim 2, D'Zmura teaches wherein the numerical values are identified by firstly selecting from a rules database a plurality of relationships with respect to the transit astrological conditions and the activity type, each relationship identifying at least one constants label, and identifying from a constants database a

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numerical value for each constants label (zodiac signs associated to the solar system is a constant label: abstract and Page 13, section 0191).

With respect to claim 3, D'Zmura teaches wherein the native data is stored in a native data memory and is accessed from the memory and automatically input for calculating the transit astrological conditions (the user inputs data to the system for retrieving astrological information for analysis: see fig. 15 and Page 24, sections 0314-015; also Page 14, section 0203).

With respect to claim 4, D'Zmura teaches wherein a native chart based on the native data is stored in the native data memory and is accessed from the memory and automatically input for calculating the transit astrological conditions (the native data is stored on the memory: Page 24, section 0316 and Page 25, section 0320).

With respect to claim 5, D'Zmura teaches wherein a native chart based on the native data is generated prior to calculation of the transit astrological conditions (Page 13, sections 0192-0195 and natal astrology standard sign: Page 26, section 0332).

With respect to claim 6, D'Zmura teaches wherein a transit time and a transit location are input for calculation of the transit astrological conditions (Page 14, sections 0203-0207).

With respect to claim 7, D'Zmura teaches wherein a transit time and a transit location are automatically generated for calculation of the transit astrological conditions (Page 14, section 0204-0207).

With respect to claim 8, D'Zmura teaches wherein a transit chart based on the transit time and transit location is generated prior to calculation of the transit astrological conditions (Page 14, section 0204-0207).

With respect to claim 9, D'Zmura teaches wherein the numerical values are added together to generate the numerical score (Page 21, sections 0283-0284 and 0289).

With respect to claim 10, D'Zmura teaches wherein the potential activity types includes no specific activity where the output representation of the numerical score relates to the general effectiveness of a subject with the input native details at the transit time and location (Page 21, section 0283-0284 and 0289-0290).

With respect to claim 11, D'Zmura teaches wherein the numerical values are in the range -10 to +10 (the range in the natal astrology : Page 26, section 0332).

With respect to claim 12, D'Zmura teaches wherein the output is a number or an alternative image such as a scale of other symbolic device (see fig. 2-4, the output shown the degrees of the standard of Planets and stars).

Claim 13 is essentially the same as claim 1 except that it is directed to astrological software rather than a method , and is rejected for the same reason as applied to the claim 1 hereinabove.

With respect to claim 14, D'Zmura teaches including Ephemeris astronomical calculation routines for use in the calculation of the transit astrological conditions (Page 5, section 0065 and page 6, sections 0070-0072).

With respect to claim 15, D'Zmura teaches wherein the potential activity types includes no activity such that the numerical score is representative of the general effectiveness of a subject with the input native data at the transit time and location (Page 21, section 0283-0284 and 0289-0290).

With respect to claim 16, D'Zmura teaches wherein the astrological database comprises a rules database containing a plurality of relationships with respect to transit astrological conditions and activity types, each relationship containing a reference to at least one numerical constant value (Page 14, sections 0203-0207).

With respect to claim 17, D'Zmura teaches an astrological database containing a plurality of numerical values representative of relationships between transit astrological conditions and activity types; and a set of instructions for performing the following functions: storing an activity type input from a remote terminal, identifying from the astrological database a plurality of numerical values representative of relationships between the calculated transit astrological conditions and an activity type; calculating in dependence on the numerical values a numerical score representative of the effectiveness of a subject with the input native and transit data with respect to the activity type; and outputting to the remote terminal a representation of the numerical score calculated (server-based networked system enabling remote access for users via the Internet and Web: Page 25, section 0321-0322; calculating the relationship of one's birth and his/her zodiac sign based on the calculation of celestial events between human and solar' system: Page 1, section 0011 and Page 2, section 0013; also see Page 13, sections 0191-0195; the coordinate position of astrological ephemeris is a



plurality of numerical values listing by the degrees, such as 16°: Page 12, section 0175 and 0176, also Page 5, sections 0062-0065; Page 17, section 0246-0250; zodiac signs and positions is calculated via the degree to reflect one's birth listed in calendar dates of signs and sign changes: Page 4, section 0044, sections and Page 7, section 0088; and the outputs of calculation are listed in figs 2-4 and Page 13, section 0180, sections 0193-0195 and Page 14, section 0203).

D'Zmura teaches a software program running on a computer or Internet server and a server-based Networked system enables remote access for users via Internet and Web (Page 25, sections 0321-0322) for the calculation of celestial or terrestrial event and human affair based on the planets and the stars by their positions and aspects from which the astrologer to use them to establish the zodiacal position per the query inputs of time, date and earthly location (Page 14, section 0197, Page 1, section 11 and Page 2, section 0013). The relationship of human's birthday or personal data and zodiacal position or zodiac signs based on the solar system are the relationship of native data and transit data, the position or location of the astrological features and birth signs and zodiac signs. D'Zmura does not clearly teach astrological database.

However, Durham teaches Horoscopes of astrological data set in the preferences (col. 12, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of D'Zmura with the teachings of Durham by incorporating the use of astrological data from set astrology database for the calculation of the zodiacal position influencing of the stars and planets

on celestial event and human affairs. The motivation being to have allowed the use of astrological information by the user or querist or astrologer in order to forecast the future such as weather forecast, news or fortune-telling.

With respect to claim 18, D'Zmura teaches further including Ephemeris astronomical calculation routines, and the set of instructions further including coding for storing transit data input from the remote terminal and for calculating the transit astrological conditions on the basis of the input transit data and astronomical data derived from the Ephemeris routines (astrologer's ephemeris method: Page 5, section 0059, also see abstract and Page 26, section 0326).

With respect to claim 19, D'Zmura teaches outputting to a remote astrological server a selected activity type (the outputs of calculation are listed in figs 2-4 and Page 13, section 0180, sections 0193-0195 and Page 14, section 0203);

identifying native data and transit data for the calculation of transit astrological conditions (the coordinate position of astrological ephemeris is a plurality of numerical values listing by the degrees, such as 16°: Page 12, section 0175 and 0176, also Page 5, sections 0062-0065; Page 17, section 0246-0250); and

receiving from the remote server a representation of a numerical score corresponding to the effectiveness of a subject with the native data with respect to the selected activity type (a server-based Networked system enables remote access for users via Internet and Web: Page 25, sections 0321-0322, for the calculation of celestial or terrestrial event and human affair based on the planets and the stars by their positions and aspects from which the astrologer to use them to establish the zodiacal

position per the query inputs of time, date and earthly location: Page 14, section 0197, Page 1, section 11 and Page 2, section 0013).

D'Zmura teaches a software program running on a computer or Internet server and a server-based Networked system enables remote access for users via Internet and Web (Page 25, sections 0321-0322) for the calculation of celestial or terrestrial event and human affair based on the planets and the stars by their positions and aspects from which the astrologer to use them to establish the zodiacal position per the query inputs of time, date and earthly location (Page 14, section 0197, Page 1, section 11 and Page 2, section 0013). The relationship of human's birthday or personal data and zodiacal position or zodiac signs based on the solar system are the relationship of native data and transit data, the position or location of the astrological features and birth signs and zodiac signs. D'Zmura does not clearly teach user interface from which the system the input data from user.

However, Durham teaches a graphical user interface that allows a user to directly query, search, retrieve, navigate to personal interest (col. 15, lines 10-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of D'Zmura with the teachings of Durham by incorporating the use of graphical user interface for inputting, retrieving astrological data from set astrology database for the calculation of the zodiacal position influencing of the stars and planets on celestial event and human affairs. The motivation being to have allowed the use of astrological information by the

user or querist or astrologer in order to forecast the future such as weather forecast, news or fortune-telling.

With respect to claim 20, D'Zmura teaches an input device for receiving native, transit and activity type data, a memory containing an astrological database containing a plurality of numerical values representative of relationships between transit astrological conditions and activity types, a first processor for calculating a plurality of transit astrological conditions on the basis of input native and transit data; a second processor for identifying from the memory a plurality of numerical values representative of relationships between the calculated transit astrological conditions and an activity type and for calculating in dependence on the numerical values a numerical score representative of the effectiveness of a subject with the input native data with respect to the input activity type; and -an output for outputting a representation of the numerical score calculated (calculating the relationship of one's birth and his/her zodiac sign based on the calculation of celestial events between human and solar' system: Page 1, section 0011 and Page 2, section 0013; also see Page 13, sections 0191-0195; the coordinate position of astrological ephemeris is a plurality of numerical values listing by the degrees, such as 16°: Page 12, section 0175 and 0176, also Page 5, sections 0062-0065; Page 17, section 0246-0250; zodiac signs and positions is calculated via the degree to reflect one's birth listed in calendar dates of signs and sign changes: Page 4, section 0044, sections and Page 7, section 0088; and the outputs of calculation are listed in figs 2-4 and Page 13, section 0180, sections 0193-0195 and Page 14, section 0203).

D'Zmura teaches a software program running on a computer or Internet server and a server-based Networked system enables remote access for users via Internet and Web (Page 25, sections 0321-0322) for the calculation of celestial or terrestrial event and human affair based on the planets and the stars by their positions and aspects from which the astrologer to use them to establish the zodiacal position per the query inputs of time, date and earthly location (Page 14, section 0197, Page 1, section 11 and Page 2, section 0013). The relationship of human's birthday or personal data and zodiacal position or zodiac signs based on the solar system are the relationship of native data and transit data, the position or location of the astrological features and birth signs and zodiac signs. D'Zmura does not clearly teach astrological database and input device for receiving native, transit and activity data.

However, Durham teaches Horoscopes of astrological data set in the preferences (col. 12, lines 1-8) and a graphical user interface that allows a user to directly query, search, retrieve, navigate to personal interest (col. 15, lines 10-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of D'Zmura with the teachings of Durham by incorporating the use of graphical user interface for inputting, retrieving astrological data from set astrology database for the calculation of the zodiacal position influencing of the stars and planets on celestial event and human affairs. The motivation being to have allowed the use of astrological information by the user or querist or astrologer in order to forecast the future such as weather forecast, news, and fortune-telling.

With respect to claim 21, D'Zmura teaches wherein the output is a number or an image such as a scale or other symbolic device (see fig. 2-4, the output shown the degrees of the standard of Planets and stars and measuring the position of the stars and planets in the zodiac constellation: Page 13, section 0181).

With respect to claim 22, D'Zmura teaches comprising a second memory containing astronomical data wherein the first processor calculates the transit astrological conditions on the basis of astronomical data accessed from the second Memory (Page 24, section 0316 and Page 25, section 0320).

With respect to claim 23, D'Zmura teaches addition means for adding together the numerical values to generate the numerical score (Page 21, sections 0283-0284 and 0289).

With respect to claim 24, D'Zmura teaches wherein the numerical values in the first memory range between the values -10 to +10 (the range in the natal astrology : Page 26, section 0332).

With respect to claim 25, D'Zmura teaches including a native data memory for storing native data (Page 24, section 0316).

With respect to claim 26, D'Zmura teaches wherein the set of instructions includes instructions for calculating a plurality of numerical activity scores with respect to associated transit time periods within an input time range and for outputting one or more transit time periods having the highest activity scores (Page 14, section 0204-0207 and see figs. 2-4).

With respect to claim 27, D'Zmura teaches an astrological condition database containing a plurality of astrological conditions and associated numerical values', and a set of instructions for performing the following functions: calculating a plurality of transit astrological conditions on the basis of input transit data; comparing the transit astrological conditions with astrological conditions in the database and identifying associated numerical values for those matched transit astrological conditions',

determining on the basis of the identified numerical values an overall numerical total for a particular time range; comparing the numerical total with one or more threshold values to determine the nature of the time range which may be of two or more different levels, and outputting a representation of the determined quality level (fig 3, shown the unique birth signs and Lunar, side by side to compare to the locations and positions of astrological feature (Page 13, sections 0193 and 0194), calculating the relationship of one's birth and his/her zodiac sign based on the calculation of celestial events between human and solar' system: Page 1, section 0011 and Page 2, section 0013; also see Page 13, sections 0191-0195; the coordinate position of astrological ephemeris is a plurality of numerical values listing by the degrees, such as 16°: Page 12, section 0175 and 0176, also Page 5, sections 0062-0065; Page 17, section 0246-0250; zodiac signs and positions is calculated via the degree to reflect one's birth listed in calendar dates of signs and sign changes: Page 4, section 0044, sections and Page 7, section 0088; and the outputs of calculation are listed in figs 2-4 and Page 13, section 0180, sections 0193-0195 and Page 14, section 0203).

D'Zmura teaches a software program running on a computer or Internet server and a server-based Networked system enables remote access for users via Internet and Web (Page 25, sections 0321-0322) for the calculation of celestial or terrestrial event and human affair based on the planets and the stars by their positions and aspects from which the astrologer to use them to establish the zodiacal position per the query inputs of time, date and earthly location (Page 14, section 0197, Page 1, section 11 and Page 2, section 0013). The relationship of human's birthday or personal data and zodiacal position or zodiac signs based on the solar system are the relationship of native data and transit data, the position or location of the astrological features and birth signs and zodiac signs. D'Zmura does not clearly teach astrological database and input device for receiving native, transit and activity data.

However, Durham teaches Horoscopes of astrological data set in the preferences (col. 12, lines 1-8) and a graphical user interface that allows a user to directly query, search, retrieve, navigate to personal interest (col. 15, lines 10-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of D'Zmura with the teachings of Durham by incorporating the use of graphical user interface for inputting, retrieving astrological data from set astrology database for the calculation of the zodiacal position influencing of the stars and planets on celestial event and human affairs. The motivation being to have allowed the use of astrological information by the user or querist or astrologer in order to forecast the future such as weather forecast, news or fortune-telling.



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With respect to claim 28, D'Zmura teaches wherein each quality level is allocated a different colour (each object in astrological features has a representing different color:

Page 23, section 0299).

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: [ANH.LY@USPTO.GOV](mailto:ANH.LY@USPTO.GOV). The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on 703 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.

ANH LY   
JUL. 15<sup>th</sup>, 2004

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER